THE HON'BLE SRI JUSTICE B. PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P. No. 18545 of 2006

Date: 25.09.2006

Between:

K. Mutyalu.

... Petitioner

and

South Central Railway, rep., by its General Manager, Hyderabad and another.

... Respondents.

THE HON'BLE SRI JUSTICE B. PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P. No. 18545 of 2006

ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

Heard the learned counsel for the petitioner and the learned Standing Counsel for the Respondents and at their request the writ petition itself is taken up for final disposal.

The present writ petition is filed questioning the order of the Central Administrative Tribunal, in O.A. No. 469 of 2006 dated 23.08.2006, wherein the O.A. filed seeking a direction to declare the results of the applicant and appoint him to Group-C post under the Sports quota (Ball Badminton), pursuant to the trial and interview held on 10.03.2006, was dismissed on the ground that the petitioner-applicant had not exhausted the remedy of approaching the authority by filing a representation.

As rightly pointed out by Sri S. Satyam Reddy, learned Counsel for the petitioner, merely on the ground that it was open to the petitioner-applicant to file a representation, his right of approaching the Tribunal by filing an Original Application before it, cannot be denied. The remedy of submitting a representation is not a statutory bar for invoking the jurisdiction of the Tribunal or to claim the relief sought for in the O.A. i.e., a direction to declare the results.

Smt Puspendra Kowr, learned Standing Counsel, would

place certain papers before us and submit that there is no procedure prescribed for intimating candidates, who have not been selected, of their non-selection and it is only those who are selected, who are intimated of their selection. Learned Standing Counsel would, however, fairly state that the petitioner herein has not been selected and consequently the question of his being intimated of his non-selection does not arise.

While Sri Satyam Reddy, learned Counsel for the petitioner, would seek to make submissions on the merits of the selection process, we do not consider it appropriate to examine these aspects, since they were not the subject matter of challenge before the Tribunal. Leaving it open to the petitioner herein, if he so chooses, to challenge the process of selection, the writ petition is dismissed. However, in the circumstances, without costs.

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B.PRAKASH RAO, J

Date: 25.09.2006

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RAMESH RANGANATHAN, J

Note: Furnish copy by one week.

B/o

MRKR